

AMENDMENT UNDER 37 C.F.R. §1.114(c)  
U.S. Application No. 10/083,362  
Attorney Docket No. Q68702

### **REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 5-7, 15, 16, 18, 31, 33, 35 and 38 have been amended. New claims 41-48 have been added. Claims 1-4, 8-13, 19-30, 32, 36, 37, 39 and 40 have been canceled. Claims 5-7, 14-18, 31, 33-35, 38 and 41-48 are now pending in the application.

Applicants acknowledge with gratitude the indication that claims 5, 7, 15, 18, 31 and 35 are allowable. Accordingly, claims 15, 18, 31 and 35 have been amended to each include every element of their respectively base claim and any intervening claim. Thus, claims 5, 7, 15, 18, 31 and 35 are now believed to be in condition for allowance.

Additionally, Applicants have amended claims 5-7, 16, 33 and 38 to more clearly recite exemplary embodiments of the claimed invention. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

### **Rejection Under 35 U.S.C. § 102(e) - Herman**

Claims 6, 16, 33 and 38 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Herman (U.S. Patent Number 6,674,898). The rejection is respectfully traversed.

Regarding claim 6, as amended, Applicants' claimed invention relates to a video processing device comprising a correction amount obtaining means, an image correcting means, an image input means, a cut point detecting means, and a correction amount update determining means. The cut point detecting means detects a cut point **indicative of changing in an image quality of the moving image** based on a change of a feature amount obtained from each from

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image. The correction amount update determining means gives an instruction to update the correction amount when the cut point detecting means detects the cut point.

Herman discloses an apparatus and method for correcting the color of objects appearing in a video image. In Herman, the color data of known icons is compared with the color data of the icon appearing in a video image. Herman determines the correction amount of a color, and executes color correction. Herman thus updates the correction amount of a color by detecting change of a scene shot based on the existence of the icon.

However, Herman fails to teach or suggest updating the correction amount of quality of image, when a cut point indicative of changing in an image quality of the moving image based on a change of a feature amount obtained from each frame image is detected. Herman instead merely updates a correction amount of a color by detecting change of a scene shot based on existence of an icon. The change of the amount of correction of a color in Herman is thus based on the existence of an icon, and there is no mention or suggestion in Herman of a detection of a cut point indicative of changing in image quality of the moving image, as claimed.

At least by virtue of the aforementioned differences, Applicants' claim 6 distinguishes over Herman. Applicant's claims 16, 33 and 38 are related independent device, method and program claims, and are distinguished over Herman for analogous reasons. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Herman**

Claims 14, 17 and 34 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Herman. The rejection is respectfully traversed.

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As discussed above, Herman fails to teach or suggest Applicants' claimed invention as recited in respective independent claims 6, 16 and 33. Applicants' claims 14, 17 and 34 are dependent claims including all of the elements of independent claims 6, 16 and 33, respectively, which as established above, distinguish over Herman. Additionally, Herman fails to teach or suggest that a result of comparison of a color histogram generated based on color information of each pixel of the image which is conducted on a frame basis is considered as a feature amount and a cut point of the moving image is detected based on a change of the feature amount, as Applicants claim. Therefore, claims 14, 17 and 34 are patentable over Herman for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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